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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,295	01/03/2006	Shinichi Yoshioka	2005-2073A	1258
52349 7590 10/24/2007 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER MANCHO, RONNIE M	
			ART UNIT 3663	PAPER NUMBER
			MAIL DATE 10/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,295

Applicant(s)

YOSHIOKA, SHINICHI

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/3/06; 3/6/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species (I) drawn to figs. 1-4, claims 1 and 2 in the reply filed on 8/10/07 is acknowledged:

2. Claims 3-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 8/10/07.

Claim Objections

3. Claims 1 and 2 are objected to because of the following informalities:

Applicant is advised to write the claims using proper punctuation. Applicant may follow the manner in which the claims are written below or present the claims in some other better format.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi et al (6144318).

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6. Regarding claim 1, Hayashi et al (figs. 1, 2-5, 10, 20; abstract; col. 1, lines 39-67; col. 2, lines 38-42, col. 3, lines 60-67; col. 5, lines 1-8; col. 18, lines 21 to col. 19, line 20) disclose a navigation apparatus comprising:

a geography interpreting 1 (fig. 1; abstract; col. 3, lines 60 to col. 4, line 10) section for:

at least interpreting, after a destination is assigned by a user, geography of an area around the destination (col. 5, lines 1-8) by using map data stored in a storage medium 3 (col. 4, lines 53-67); and

at least generating geographic information for indicating a characteristic of the area around the destination as a voice output (col. 1, lines 55-58; col. 18, lines 21 to col. 19, line 7) ; and

a voice output section 16 for outputting the voice output in accordance with the geographic information generated at the geography interpreting section 1 (col. 1, lines 55-67).

It is noted in Hayashi (column 1, lines 42-47) that guidance information comprises roads, building shapes, landmark information. Then Hayashi (col. 1, lines 55-67) indicates that the guidance information as defined above is guidance to a destination, wherein the guidance is output by voice. Hayashi (col. 18, lines 21 to col. 19, line 21) also disclose guidance data as defined above about a destination, wherein the guidance data provides building shapes, roads, landmarks around a destination. The guidance data is output by voice (col. 1, lines 42-58).

Regarding claim 2, Hayashi et al (figs. 1, 2-5, 10, 20; abstract; col. 1, lines 39-67; col. 2, lines 38-42, col. 3, lines 60-67; col. 5, lines 1-8; col. 18, lines 21 to col. 19, line 20) disclose the navigation apparatus according to claim 1, wherein the geography interpreting section starts

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interpreting immediately after a destination is assigned by the user, the geography of the area around the destination.

MPEP 2114

The statement of intended use or field of use, "for at least interpreting", "for outputting the", "starts interpreting immediately after", etc clauses are essentially method limitation or statement of intended or desired use. Thus, the claim as well as other statements of intended use do not serve to patentably distinguish the claimed structure over that of the reference.

See MPEP § 2114 which states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim.

As set forth in MPEP § 2115, a recitation in a claim to the material or article worked upon does not serve to limit an apparatus claim.

The prior art anticipate the structural limitations in the apparatus claims. Even if the prior art did not perform the method limitations recited in the apparatus claims, which the examiner is not conceding, it is believed that the structural arrangement in the prior art is capable of performing the method limitation recited in the apparatus claims.

Applicant may overcome MPEP 2114 by changing, "geography interpreting section for at least interpreting" to --a geography interpreting section configured to interpret--; and changing, "a voice output section for outputting" to --a voice output section configured to output--.

Applicant may also write the claims in past tense to overcome MPEP 2114.

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Communication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho
Examiner
Art Unit 3663

10/20/2007


JACK KEITH
SUPERVISORY PATENT EXAMINER